

HOUSE BILL 3918
By Hood

AN ACT to amend Tennessee Code Annotated, Title 16
and Title 55, relative to municipal courts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 16-18-302, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Notwithstanding any provision of law to the contrary:

(1) A municipal court possesses jurisdiction in and over cases:

(A) For violation of the laws and ordinances of the municipality; or

(B) Arising under the laws and ordinances of the municipality; and

(2) A municipal court also possesses jurisdiction over all Class C misdemeanors, as well as offenses included in any of the provisions of §§55-8-101 – 55-8-180, 55-10-101–()55-10-310, 55-50-301, 55-50-302, 55-50-304, 55-50-305, 55-50-311, 55-10-312, and 55-12-139, 1-3-113(b), 57-3-412(a)(3), 57-3-412(a)(5), 57-4-203(b)(2), 57-5-301(d), 57-5-301(e) and, notwithstanding any provision of law to the contrary, the maximum fine imposed by any municipal court for any single offense shall not exceed fifty dollars (\$50.00). Municipalities may by ordinance provide additional regulations for the operation of vehicles within the municipality, which shall not be in conflict with the provisions of such sections. All fines, penalties, and forfeitures of bonds imposed or collected under the terms of §§55-50-311 and 55-50-312, shall be paid over to the appropriate state agency as provided in §55-50-604. The offenses enumerated in subdivisions (a)(2)(A)-(D) are state offenses, and any person arrested for violation of any such offense shall be tried for violation of state law in state courts

or in courts having state jurisdiction in which such jurisdiction shall be exclusive. Any existing ordinance presently regulating any of the enumerated offenses and any such ordinance enacted after July 1, 1977, is hereby declared to be void and of no effect. The enumerated offenses are as follows:

(A) Driving while intoxicated or drugged, as prohibited by §55-10-401;

(B) Failing to stop after a traffic accident, as prohibited by part 1 of this chapter;

(C) Driving while license suspended or revoked, as prohibited by §55-50-504; and

(D) Drag racing, as defined and prohibited §55-10-501.

(b) Notwithstanding any provision of law to the contrary, in addition to jurisdiction authorized pursuant to subsection (a), a municipal court may also exercise concurrent jurisdiction with the court of general sessions if, and only if:

(1) The municipal court possessed and exercised such concurrent general sessions jurisdiction continuously on and before May 11, 2003; or

(2) After May 12, 2003, concurrent general sessions jurisdiction is duly conferred upon the municipal court in accordance with the procedures and requirements set forth in §16-18-311.

(c) Notwithstanding any provision of law to the contrary, the provisions of this section shall not be construed to impair or in any way restrict the authority of a juvenile judge to waive jurisdiction over any cases or class of cases of alleged traffic violations, as authorized pursuant to the provisions of §37-1-146, or the authority of a municipal court to receive and dispose of such cases or classes of cases of alleged traffic violations.

SECTION 2. Tennessee Code Annotated, Section 16-18-310, is amended by adding the following language as a new, appropriately designated subsection:

(c) Notwithstanding any provision of law to the contrary, every municipal court clerk is authorized to use the municipality's normal competitive bidding procedures subject to the approval of the municipal judge to select and retain a collection agent or similar collection service to collect such fines, costs, and fees owed to the municipal court that have not been collected within sixty (60) days after the entry of judgment, and such municipal court clerk is authorized to assess and collect, in addition to fines, costs, and fees owed, an additional amount not exceeding forty percent (40%) of all amounts due as consideration for employment of a collection agent or service or cost associated with in-house expenses to collect unpaid fines, costs, and fees.

SECTION 3. Tennessee Code Annotated, Title 16, Chapter 18, Part 3, is amended by adding the following language as a new, appropriately designated section:

§16-18-312.

(a) A private citizen may initiate a municipal citation charging another with the offense of violating a municipal charter, ordinance, code, law, or state statute that is within the jurisdiction of the municipal court if:

(1) The offense was committed in the presence of the citation-initiating person; or

(2) The citation-issuing person has knowledge of a continuing, ongoing, or recurring offense not occurring in the presence of the citation-initiating private person.

(b)

(1) The citation-initiating private person must affirm and make oath before the municipal court clerk or other official authorized to administer oaths

that there is reasonable cause to believe that the offense, occurred and that the person cited committed the offense; and

(2) The municipal court clerk or the municipal police department shall serve the citation on the person accused of the offense and said citation shall specify the offense charged and the date and time of alleged offense and the date, time, and location of the required court appearance.

(c) The citation-initiating private person shall be subject to a fine of fifty dollars (\$50.00) and court costs without further notice or process if:

(1) The person accused of the offense appears in court as ordered and the citation-initiating private person fails to appear to prosecute the citation without good cause; or

(2) Both parties appear and the court determines that the private person-initiated citation was frivolous, malicious, or falsely accused another of an offense contrary to the law or facts.

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.